

**CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL**  
(only for Continuation or Divisional  
applications under 37 CFR 1.53(d))

Submit an original and a duplicate for  
fee processing

Docket No.: P-SR 4301

**Prior Application Info:**  
Examiner: K. Lacourciere  
Group/Art Unit: 1635

Check box, if applicable:  
☐ **DUPLICATE**

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*James Hoch*

(TYPED OR PRINTED NAME OR PERSON MAILING PAPER OR FEE)

*James Hoch*

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TECH CENTER 1600/2900

This is a request for filing a  
\_\_\_ continuation X divisional

application under 37 C.F.R. 1.53(d), of pending prior application  
serial no. 09/557,796, filed on April 25, 2000.

Title: METABOLIC SELECTION METHODS

Inventor(s) (full name of each inventor): James Hoch and  
Veronique Dartois

The above-identified prior application, in which no payment of  
the issue fee, abandonment of, or termination of proceedings has  
occurred, is hereby expressly abandoned as of the filing date of  
this request for a CPA. The above-identified prior application is  
a non-provisional application that is either: (1) complete as  
defined by 37 CFR 1.51(b) or (2) the national stage of an  
international application in compliance with 35 U.S.C. 371. A  
CPA may only be filed in an application if the prior  
nonprovisional application was filed before May 29, 2000.

1. \_\_\_ Enter the unentered amendment previously filed on  
\_\_\_\_\_ under 37 C.F.R. 1.116 in the  
prior nonprovisional application.
2. X A preliminary amendment is enclosed.
3. Small entity status:
  - a. \_\_\_ A small entity statement is enclosed.
  - b. \_\_\_ A small entity statement was filed in the prior  
nonprovisional application, serial no. \_\_\_\_\_,  
and such status is still proper and desired.
  - c. \_\_\_ is no longer claimed.
4. The prior application is assigned of record to  
MICROGENOMICS, INC.

05/16/2002 CV0111 00000094 09557796

01 FC:131  
02 FC:103

740.00 OP  
54.00 OP

Inventors: Hoch and Dartois  
Serial No.: 09/557,796  
Filing Date: April 25, 2000  
Page 2

5. The power of attorney in the prior application is to Cathryn Campbell, Reg. No. 31,815 and Melanie K. Webster, Reg. No. 45,201.

6. ☐ A new power of attorney or authorization of agent is enclosed.

7. This application is filed by fewer than all the inventors named in the prior application (37 CFR 1.53(d)(4)).

a. ☐ DELETE the following inventor(s) in the prior nonprovisional application: \_\_\_\_\_

b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

8. ☒ A return receipt postcard is enclosed.

9. ☒ A Patent Application Bibliographic Data Sheet is enclosed.

10. ☐ Receipt for Facsimile Transmitted CPA (PTO/SB/29A) is enclosed.

11. ☐ Request for Nonpublication and Certification is enclosed.

The filing fee is calculated below:

	NUMBER FILED		NUMBER EXTRA		RATE	FEE
TOTAL CLAIMS	23 - 20	=	3	x	\$9 \$18	\$54.00
INDEPENDENT CLAIMS	2 - 3	=	0	x	\$42 \$84	0
MULTIPLE DEPENDENT CLAIMS ____ YES			____ XX NO		\$140 \$280	0
BASIC FEE					\$370 \$740	\$740.00
TOTAL FEE						\$794.00

12. ☒ A check in the amount of \$794.00 is enclosed.

13. ☐ The filing fee is not enclosed. Do not charge our deposit account.

14. ☒ The Commissioner is hereby authorized to charge fees under 37 C.F.R. 1.16 and 1.17 which may be required or credit any overpayment to Deposit Account No. 03-0370. A duplicate copy of this sheet is enclosed.

15. ☒ The Commissioner is hereby authorized to charge to Deposit Account No. 03-0370 any fees under 37 CFR 1.17 which may be required under 37 CFR 1.136(a)(3) for an extension of time in any concurrent or future reply requiring a petition for extension of time. A duplicate copy of this sheet is enclosed.

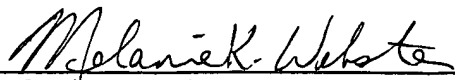
Inventors: Hoch and Dartois  
Serial No.: 09/557,796  
Filing Date: April 25, 2000  
Page 3

Address all future communications to:

Cathryn Campbell  
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San Diego, California 92122  
telephone: (858) 535-9001  
facsimile: (858) 535-8949  
USPTO CUSTOMER NO. 23601

Respectfully submitted,

Date: May 13, 2002

  
Melanie K. Webster  
Registration No. 45,201  
CAMPBELL & FLORES LLP  
4370 La Jolla Village Drive  
7<sup>th</sup> Floor  
San Diego, California 92122

       inventor(s)

  X   attorney or agent of record

       assignee of complete  
          interest

       filed under Sec. 1.34(a)



PATENT  
Our Docket: P-SR 4301

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In re Application of: )  
Hoch and Dartois ) Examiner: K. Lacourciere  
Serial No.: 09/557,796 ) Group Art Unit: 1635  
Filed: April 25, 2000 ) CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
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Sir:

Brian Ho  
(TYPED OR PRINTED NAME OR PERSON MAILING PAPER OR FEE)  
Brian Ho  
(SIGNATURE OF PERSON MAILING PAPER OR FEE)

PRELIMINARY AMENDMENT

Responsive to the final Office Action mailed  
February 13, 2002, entry of the following amendments and  
consideration of the following remarks are respectfully  
requested.

AMENDMENTS

In the specification:

Please amend the specification at page 1, line 6, to  
insert the following two sentences:

--This invention was made with government support under  
Cooperative Agreement 70NANB5H1138 and ATP NIST Project  
Identification Number 1995-05-0007E awarded by the Advanced



Document: PATENT APPLICATION  
BIBLIOGRAPHIC DATA SHEET  
Attorney Docket No.: P-SR 4301

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Brian Ho  
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